

ASSEMBLY BILL

No. 237

Introduced by Assembly Member Carter

February 6, 2009

An act to amend Section 2810 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 237, as introduced, Carter. Vehicles: inspection of loads: metal products.

(1) Existing law authorizes the Department of the California Highway Patrol to stop a vehicle transporting timber products, livestock, poultry, farm produce, crude oil, petroleum products, or inedible kitchen grease and inspect certain documents to determine whether the driver is in legal possession of the load, and, upon reasonable belief that the driver of the vehicle is not in legal possession, to take custody of the vehicle and load, as prescribed, and imposes duties on the sheriff with respect to the care and safekeeping of those products.

This bill would make those provisions applicable with regard to a vehicle that is transporting metal products. By imposing additional duties on a sheriff regarding the care and safekeeping of metal products, this bill would impose a state-mandated local program.

This would additionally authorize a member of a city police department, a member of the county sheriff's office, and a specified district attorney investigation to stop and inspect vehicles transporting loads.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2810 of the Vehicle Code is amended to
2 read:

3 2810. (a) A member of the California Highway Patrol, *a*
4 *member of a city police department, a member of a county's*
5 *sheriff's office, or a district attorney investigator whose primary*
6 *responsibility is to conduct theft investigations may stop*~~any a~~
7 vehicle transporting~~any~~ timber products, livestock, poultry, farm
8 produce, crude oil, petroleum products, *metal products*, or inedible
9 kitchen grease, and inspect the bills of lading, shipping or delivery
10 papers, or other evidence to determine whether the driver is in
11 legal possession of the load, and, upon reasonable belief that the
12 driver of the vehicle is not in legal possession, shall take custody
13 of the vehicle and load and turn them over to the custody of the
14 sheriff of the county in which the timber products, livestock,
15 poultry, farm produce, crude oil, petroleum products, *metal*
16 *products*, or inedible kitchen grease, or any part~~thereof~~, *of those*
17 *loads*, is apprehended.

18 (b) The sheriff shall receive and provide for the care and
19 safekeeping of the apprehended timber products, livestock, poultry,
20 farm produce, crude oil, petroleum products, *metal products*, or
21 inedible kitchen grease, or any~~part thereof~~, *of those loads*, and
22 immediately, in cooperation with the department, *a city police*
23 *department, or the district attorney's office*, proceed with an
24 investigation and its legal disposition.

25 (c) Any expense incurred by the sheriff in the performance of
26 his or her duties under this section shall be a legal charge against
27 the county.

28 SEC. 2. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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